

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

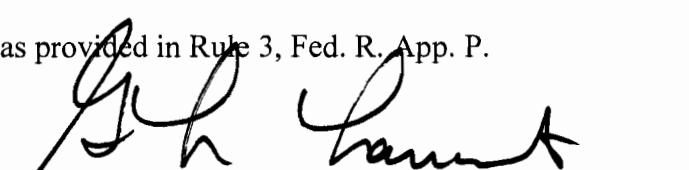
MIKE PASTORKY, )  
Plaintiff, )  
vs. ) Civil Action No. 07-786  
ALAN FOGER, Director Bureau of Health )  
Services; ROBERT TRETINIK, Health )  
Care Administrator; DOCTOR BOSTICH, )  
Optometrist, sued in their individual and )  
official capacities, )  
Defendants. )  
Judge Gary L. Lancaster/  
Magistrate Judge Amy Reynolds Hay

**ORDER**

AND NOW, this 23 day of February, 2008, after the plaintiff, Mike Pastorky, filed an action in the above-captioned case, and after plaintiff filed a Motion for Prevailing Party Status pursuant to 42 U.S.C. § 1988, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties until February 19, 2008, to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Motion for Prevailing Party Status [Doc. 20] is denied and that the case is dismissed as moot.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the plaintiff desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.



GARY L. LANCASTER  
United States District Judge

cc: Honorable Amy Reynolds Hay  
United States Magistrate Judge

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All Counsel of Record by electronic filing